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CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *ju* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 09cr2039-WQH
)	
Plaintiff,)	PRELIMINARY ORDER
)	OF CRIMINAL FORFEITURE
)	
v.)	
)	
SCOTT ALAN DUCHENE,)	
)	
Defendant.)	

WHEREAS, in the Superseding Information in the above-captioned case, the United States sought forfeiture of all right, title and interest in specific properties of the above-named Defendant pursuant to Title 18, United States Code, Section 924(d), as properties involved in or traceable to the violation of Title 18, United States Code, Section 922(a)(3) and Section 924(a)(1)(D), as charged in the Superseding Information; and

WHEREAS, on or about August 24, 2009, the above-named Defendant, SCOTT ALAN DUCHENE ("Defendant"), pled guilty to the three-count Superseding Information before Magistrate Judge Anthony J. Battaglia, which plea included consent to the criminal forfeiture allegation pursuant to Title 18 as set forth in the Superseding Information; and

WHEREAS, on September 14, 2009, the plea of the Defendant was accepted by the U.S. District Court; and

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1 WHEREAS, by virtue of the facts set forth in the plea agreement, the United States has
2 established the requisite nexus between the forfeited properties and the offense; and

3 WHEREAS, by virtue of said guilty plea, the United States is now entitled to possession
4 of said properties pursuant to 18 U.S.C. § 924(d), and Rule 32.2(b) of the Federal Rules of
5 Criminal Procedure; and

6 WHEREAS, pursuant to Rule 32.2(b), the United States having requested the authority
7 to take custody of the following property which was found forfeitable by the Court, namely:

- 8 (A) four (4) .40 caliber Beretta model 96 handguns bearing serial
9 numbers BER133877, BER134094, BER077520M, and
BER077538M;
- 10 (B) one (1) 9mm Beretta model 92 handgun bearing serial number
11 BER118088;
- 12 (C) one (1) .45 Hi-Point model JHP45 handgun bearing serial number
X4103252;
- 13 (D) eleven (11) LAR Grizzly-15 assault rifle receivers bearing serial
14 numbers LX006322, LX006324, LX006325, LX006335, LX006336,
LX006319, LX006327, LX006318, LX006323, LX006320 and
15 LX006321;
- 16 (E) one (1) 7.62 caliber CAI SKS assault rifle bearing serial number 04984;
- 17 (F) four (4) .40 caliber Beretta model 96 handguns bearing serial numbers
BER077555M, BER61174M, BER077760M, and BER137124;
- 18 (G) two (2) 7.62 caliber CAI Golani AK-47 assault rifles bearing serial
19 numbers GL N04014 and GL N04124;
- 20 (H) one (1) .40 caliber Beretta model 96 handgun bearing serial number
BER132283;
- 21 (I) one (1) .223 caliber Keltec model PLR16 machine pistol bearing serial
22 number POA92;
- 23 (J) one (1) Davis Industries .380 caliber model P380 handgun bearing serial
number AP216011;
- 24 (K) one Bryco Arms .380 caliber model 58 handgun bearing serial number
25 P66346;
- 26 (L) two (2) .223 caliber DPMS AR-15 assault rifles bearing serial numbers
F154092 and H59117;
- 27 (M) two (2) 7.62 caliber AMD AK-47 assault rifles bearing serial numbers
28 DS6384H and EE0780H;

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(N) those firearms and ammunition seized on May 7, 2009, from defendant's residence; and

WHEREAS, the United States, having submitted the Order herein to the Defendant through his attorney of record, to review, and no objections having been received;

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Based upon the guilty plea of the Defendant, the United States is hereby authorized to take custody and control of the following assets, and all right, title and interest of Defendant SCOTT ALAN DUCHENE in the following properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n):

- (A) four (4) .40 caliber Beretta model 96 handguns bearing serial numbers BER133877, BER134094, BER077520M, and BER077538M;
- (B) one (1) 9mm Beretta model 92 handgun bearing serial number BER118088;
- (C) one (1) .45 Hi-Point model JHP45 handgun bearing serial number X4103252;
- (D) eleven (11) LAR Grizzly-15 assault rifle receivers bearing serial numbers LX006322, LX006324, LX006325, LX006335, LX006336, LX006319, LX006327, LX006318, LX006323, LX006320 and LX006321;
- (E) one (1) 7.62 caliber CAI SKS assault rifle bearing serial number 04984;
- (F) four (4) .40 caliber Beretta model 96 handguns bearing serial numbers BER077555M, BER61174M, BER077760M, and BER137124;
- (G) two (2) 7.62 caliber CAI Golani AK-47 assault rifles bearing serial numbers GL N04014 and GL N04124;
- (H) one (1) .40 caliber Beretta model 96 handgun bearing serial number BER132283;
- (I) one (1) .223 caliber Keltec model PLR16 machine pistol bearing serial number POA92;
- (J) one (1) Davis Industries .380 caliber model P380 handgun bearing serial number AP216011;
- (K) one Bryco Arms .380 caliber model 58 handgun bearing serial number P66346;

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- 1 (L) two (2) .223 caliber DPMS AR-15 assault rifles bearing serial numbers
2 F154092 and H59117;
3 (M) two (2) 7.62 caliber AMD AK-47 assault rifles bearing serial numbers
4 DS6384H and EE0780H;
5 (N) those firearms and ammunition seized on May 7, 2009, from defendant's
6 residence.

7 2. The aforementioned forfeited assets are to be held by the United States
8 Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATFE") in its secure custody and
9 control.

10 3. Pursuant to Rule 32.2(b) and (c), the United States is hereby authorized to begin
11 proceedings consistent with any statutory requirements pertaining to ancillary hearings and rights
12 of third parties.

13 3. Pursuant to the Attorney General's authority under Section 853(n)(1) of Title 21,
14 United States Code, Rule 32.2(b)(3), Fed. R. Crim. P., and Rule G(4) of the Supplemental Rules
15 for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States forthwith shall
16 publish for thirty (30) consecutive days on the Government's forfeiture website,
17 www.forfeiture.gov, notice of this Order, notice of the ATFE's intent to dispose of the properties
18 in such manner as the Attorney General may direct, and notice that any person, other than the
19 Defendant, having or claiming a legal interest in the above-listed forfeited properties must file
20 a petition with the Court within thirty (30) days of the final publication of notice or of receipt of
21 actual notice, whichever is earlier.

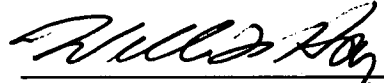
22 5. This notice shall state that the petition shall be for a hearing to adjudicate the
23 validity of the petitioner's alleged interest in the properties, shall be signed by the petitioner
24 under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or
25 interest in the forfeited properties and any additional facts supporting the petitioner's claim and
26 the relief sought.

27 6. The United States may also, to the extent practicable, provide direct written notice
28 to any person known to have alleged an interest in the properties that are the subject of the
Preliminary Order of Criminal Forfeiture.

1 7. Upon adjudication of all third-party interests, this Court will enter an Amended
2 Order of Forfeiture pursuant to 18 U.S.C. § 924, in which all interests will be addressed.

3 DATED:

4 11/9/09

5 
6 WILLIAM Q. HAYES, Judge
7 United States District Court